



Ellen A. Brinkman

PARTNER

Minneapolis

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RELATED SERVICES

- Employment
- Product Liability
- Commercial Litigation
- Directors & Officers and Shareholder Litigation

OFFICES

- Minneapolis
- Fargo

OVERVIEW

Ellen Brinkman is the Co-Managing Partner of the Minneapolis office. Ellen represents a variety of clients from small businesses to Fortune 500 companies. She approaches each case as a strategic team player with the goal of finding an efficient, business-oriented resolution. Prioritizing collaboration, Ellen has developed trusting partnerships with her clients, whether they are in-house counsel, human resource executives, organization leads, or business owners. She has litigated hundreds of cases in state and federal court – winning trials because of her ability to connect with the jury and out-prepare the other side.

Ellen routinely defends various employment, shareholder, and education-related claims in the courtroom and in agency settings. She regularly represents employers seeking to enforce non-competition agreements and other postemployment restrictive covenants, and also defends against

claims involving restrictive covenants.

Ellen believes in partnering with her clients to navigate day-to-day issues in order to avoid litigation altogether, and thus counsels clients on a wide variety of workplace issues including hiring, promotion, disability accommodation, compliance with wage-and-hour and leave laws, discipline, terminations, and investigations. She assists clients in drafting employment policies, employee and executive contracts, and separation agreements and also provides training on a range of topics.

In April 2021, Ellen was named to Minnesota Lawyer's "The Power 30" Employment list, which recognizes 15 plaintiff and 15 defense lawyers whose "mere presence on a case signifies the stakes, who have influenced the direction of the law, whose leadership in the community is pervasive and whose respect within the bar is undeniable." She has also been recognized as a Rising Star by Super Lawyers every year from 2011-2019, and as a Super Lawyer from 2021-2022. Ellen is also one of the youngest Minnesota attorneys named to Benchmark Litigation's Labor and Employment Stars, recognized for the Midwest and Minnesota from 2018-2023.

Ellen has also been elected to multiple trial organizations for excellence in the courtroom, including the Federation of Defense & Corporate Counsel (FDCC) and the International Association of Defense Counsel (IADC). She is a frequent public speaker across the country on various topics related to her practice.

REPRESENTATIVE EXPERIENCE

Representative Experience

- Defended age discrimination and interference with FMLA claims brought by 71-year-old salesperson who sold credit services but had performance issues and was terminated.
- Defended cable and wire manufacturer against claims of personal injury and wrongful death for alleged exposure to asbestos-containing products.
- Defended claims by 3PL for nonpayment due to delays in delivery and challenge to purported lien rights for goods in transit.
- Defended employee and his new employer against claims of breach of non-compete agreement and tortious interference. The case went to trial, but after the Plaintiff presented its case, the Court granted Defendants' Motion for Judgment as a Matter of Law.
- Represented employer in defending claims brought by Plaintiff employee—three gender, age, and race EEOC discrimination and retaliation charges under Title VII and then sued for the same claims in federal court.
- Resolve threatened lawsuit by former manager against a regional bank alleging sex and pregnancy discrimination and workplace harassment.

- Succeeded on motion to dismiss homeowner's complaint against bank, alleging that bank violated the Home Affordable Modification Program by not giving homeowners a loan modification.
- Succeeded on motion to dismiss homeowner's complaint, alleging claims for violation of Stat. 58.13, breach of duty of good faith and fair dealing, fraud and misrepresentation, and violation of Minnesota Consumer Fraud Act.
- Successfully defended employees and their new employer against claims of breach of non-compete agreement and tortious interference.
- Successfully obtained summary judgment dismissing failure to pay overtime claims under the Fair Labor Standards Act and the Minnesota Fair Labor Standards Act.
- Successfully obtained summary judgment in favor of employer on Family and Medical Leave Act discrimination claim and state law claims alleging tortious interference with contract.
- Successfully obtained summary judgment on behalf of employer in a Section 1981 retaliation claim and state law defamation claim.

PRESENTATIONS

Media

- Featured, Fostering a Culture of Inclusion From Coast to Coast," *Attorney at Law Magazine*, Minnesota Edition, Vol. 11, No. 11, November 2022

CREDENTIALS

Admissions

- Minnesota
- North Dakota
- U.S. District Court, District of Minnesota
- U.S. District Court, District of Nebraska
- U.S. Court of Appeals, Eighth Circuit

Memberships

- International Association of Defense Counsel
- Federation of Defense & Corporate Counsel

Education

- J.D., *magna cum laude*, William Mitchell College of Law, 2006
- B.A., *cum laude*, St. Olaf College, 2001

Honors

- Recognized as Featured Employment Law Attorney in Minnesota Lawyer 2021 Edition: THE POWER 30

- Recognized in *The Best Lawyers in America*®
 - Distinction in Employment Law, 2022
- Benchmark Litigation, Labor & Employment Star – Midwest
- *Super Lawyers*® distinction in Employment & Labor and Business Litigation, 2021-2022
- *Super Lawyers*® “Rising Star” distinction in Employment & Labor and Business Litigation, 2011-2019